

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34518 of 2007(H)

PETITIONER:

**MATHEW SEBASTIAN,
KOONANIKKAL HOUSE,
ATHIRAMPUZHA P.O.,
KOTTAYAM.**

BY ADV. SRI.A.K.HARIDAS

RESPONDENTS:

**1. STATE OF KERALA, REP. BY
DISTRICT COLLECTOR, KOTTAYAM.**

**2. THE DISTRICT COLLECTOR,
KOTTAYAM.**

**3. CIRCLE INSPECTOR OF POLICE,
KADUTHURUTHI C.I. OFFICE,
KADUTHURUTHI, KOTTAYAM.**

**4. GEOLOGIST,
DEPARTMENT MINING & GEOLOGY,
DISTRICT OFFICE, KOTTAYAM.**

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.

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W.P.(C) No. 34518 OF 2007 H
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Dated this the 22nd November, 2007

J U D G M E N T

The challenge in this writ petition is against Ext.P5 order passed by the 2nd respondent. By this order, exercising powers under Rule 27 of the Protection of River Banks and Regulation of Removal of Sand Rules, the District Collector found that the petitioner's vehicle was engaged in the unauthorised transportation of river sand and on that finding, an amount of Rs.60,000/- was ordered to be realised towards the value of the vehicle and Rs.25,000/- towards fine. In pursuance to the order so passed by the District Collector, petitioner remitted Rs.85,000/- and it is evident from Ext.P6 receipt. Though the order of the District Collector was passed as early as on 7/9/07 and remittance was made on 11/9/07, this writ petition has been filed now, contending that the sand in question was not river sand and that if an inspection is conducted by the Geologist, this

contention could be proved.

2. I do not find any merit in the contention now raised by the petitioner, for the primary reason that in Ext.P4 statement, petitioner has confessed of having committed the violation. After having confessed his guilt in Ext.P4 and on that basis, Ext.P5 order has been passed by the District Collector, the petitioner cannot now be allowed to contend for the position that he was misled to give Ext.P4 confession. Even otherwise, by lapse of time, this Court will not be justified in ordering that the Geologist should now inspect the sand in question and make a report in order to establish the contention of the petitioner that it was not river sand that he was transporting.

I do not find any merit in the writ petition. Writ petition fails and it is dismissed.

ANTONY DOMINIC
JUDGE

Rp/-